

HOUSE BILL 1349

By Shepard

AN ACT to amend Chapter 380 of the Private Acts of 1972; as amended by Chapter 32 of the Private Acts of 1985; Chapter 135 of the Private Acts of 1986; Chapter 47 of the Private Acts of 1987; Chapter 18 of the Private Acts of 1987; Chapter 36 of the Private Acts of 1987; Chapter 123 of the Private Acts of 1989; Chapter 202 of the Private Acts of 1990; Chapter 40 of the Private Acts of 1991; Chapter 238 of the Private Acts of 1992; Chapter 34 of the Private Acts of 1995; Chapter 183 of the Private Acts of 1996 and Chapter 72 of the Private Acts of 2002; and any other acts amendatory thereto, relative to the Charter of the City of Columbia.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 380 of the Private Acts of 1972, as amended by Chapter 32 of the Private Acts of 1985; Chapter 135 of the Private Acts of 1986; Chapter 47 of the Private Acts of 1987; Chapter 18 of the Private Acts of 1987; Chapter 36 of the Private Acts of 1987; Chapter 123 of the Private Acts of 1989; Chapter 202 of the Private Acts of 1990; Chapter 40 of the Private Acts of 1991; Chapter 238 of the Private Acts of 1992; Chapter 34 of the Private Acts of 1995; Chapter 183 of the Private Acts of 1996 and Chapter 72 of the Private Acts of 2002; and any other acts amendatory thereto, is amended by rewriting the Charter to read as follows:

ARTICLE 1

CHARTER; CITY BOUNDARIES; FORM OF GOVERNMENT;
CORPORATE POWERS; DEFINITIONS; WARDS

SECTION 1.01. ACT CONSTITUTES CITY CHARTER. The City of Columbia, Tennessee, shall be and shall continue as a municipal body politic and corporate in perpetuity by the name of the "City of Columbia", and this act shall constitute its complete Charter.

SECTION 1.02. CITY BOUNDARIES. The boundaries of the city shall be those fixed by Chapter 210 of the Private Acts of 1941, all acts amendatory thereof, and annexations made pursuant to general law.

SECTION 1.03. FORM OF GOVERNMENT. The municipal government provided by this Charter shall be known as the "Council-Manager Government". Pursuant to its provisions and subject only to the limitations imposed by the Tennessee Constitution and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the Council", which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

SECTION 1.04. DEFINITIONS. As used in this Charter the following words and terms shall have the following meanings:

(1) "At large" shall mean the entire city, as distinguished from representation by wards;

(2) "City" shall mean the City of Columbia, Tennessee;

(3) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity;

(4) "Council" and "City Council" shall mean the legislative body of the city, which shall be composed of the mayor, the vice mayor and five (5) councilmen elected as provided in this Charter, and any incumbent until the expiration of their current terms of office;

(5) "Council Member" and "member of council" shall mean a person elected to the office of Council Member as provided in this Charter, and may include the mayor and vice mayor when the context so requires;

(6) "Elector" shall mean any person who is a resident of the City of Columbia or who is a non-resident but owns real property in the City of Columbia, and who is otherwise legally registered under the constitution and laws of the state of Tennessee to vote in the City and are registered voters of the City within the meaning of this Charter;

(7) "Nonpartisan" shall mean without any designation of candidates as members or candidates of any state or national political party or organization;

(8) "Official newspaper" shall mean a newspaper of general circulation, published in the City not less than weekly, designated as an official newspaper of the City by the Council, provided that if there is no newspaper which meets these requirements, the Council may designate any other newspaper of general circulation generally circulated to residents of the City not less frequently than weekly; and

(9) The masculine shall include the feminine, and the singular shall include the plural, and vice versa, except when the contrary intention is manifest.

SECTION 1.05. WARDS. There shall be in the City five (5) wards, the boundaries of which shall initially be as presently established to coincide with the 1st, 2nd, 3rd, 4th, and 5th magisterial districts of the Quarterly Court of Maury County. The boundaries of the five (5) wards shall thereafter be changed and established by ordinance as required following each decennial census, or following any annexation which materially alters the population ratio between wards, to provide that each ward shall as nearly as practical contain an equal number of residents, the new wards to take effect at the next regular election of council members from wards following the release of each decennial census or following annexation.

SECTION 1.06. POWERS OF THE CITY. The City shall have all powers granted to cities by the Constitution and laws of Tennessee as fully and completely as though they were specifically enumerated in this Charter.

SECTION 1.07. GENERAL POWERS. The City shall have the power to:

(1) Assess, levy, and collect taxes for all general and special purposes on all subjects or objects of taxation and privileges taxable by law for city purposes;

(2) Adopt classifications of subjects and objects of taxation in conformance with state statutes;

(3) Contract and be contracted with;

(4) Provide for public safety and health;

(5) Provide for municipal planning and zoning control;

(6) Appoint boards, commissions and committees not in conflict with provision of this Charter or state law;

(7) Use tax incentives allowed by statute to promote economic and community development;

(8) Issue and give, sell, pledge or in any manner dispose of negotiable or nonnegotiable interest-bearing or noninterest-bearing bonds, warrants, promissory notes or orders of the city, upon the credit of the City or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;

(9) Expend the money of the City for all lawful purposes;

(10) Acquire or receive and hold, maintain, improve, sell, lease, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state;

(11) Condemn, purchase or otherwise acquire property, real or personal or any easement, interest, or estate or use therein, either within or without the city, for present or future public use;

(12) Take and hold property within or without the city or state upon trust; and to administer trusts for the public benefit;

(13) Acquire, construct, own, operate, and maintain, or sell, lease, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the city, its inhabitants, or any part thereof;

(14) Grant franchises to any person, firm, association, or corporation for public utilities and public services to be furnished to the city and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the City itself. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The Council may prescribe in each grant of a franchise, the rates, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the City at the date of the franchises, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened;

(15) Make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those therein. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association, or corporation, but also as against the City itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The Council may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the Ccty at the date of the contract, and as

the corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened; provided, however, this paragraph shall not apply to existing contracts;

(16) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel, from time to time, reasonable extensions of facilities for such services, but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (14) and (15) of this section;

(17) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, wharves, bridges, viaducts, subways, tunnels, sewers, and drains within or without the corporate limits and to regulate the use thereof within the corporate limits, and property may be taken and appropriated therefore under the provisions of state general laws;

(18) Construct, improve, reconstruct and re-improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, draining, or otherwise improving any streets, highways, avenues, alleys, utilities or other public places within the corporate limits, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways or alleys;

(19) Acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements;

(20) Collect and dispose of drainage, sewage, garbage, refuse or other waste, or to license and regulate such collection and disposal, and the cost of

such collection regulation or disposal may be funded by taxation or special assessment to the property owner;

(21) License and regulate all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade unless prohibited by law;

(22) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling unless prohibited by law;

(23) Define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, comfort, safety, convenience, or welfare of the inhabitants of the city, and to exercise general police powers;

(24) Prescribe limits within which such business occupations and practices liable to be nuisances or detrimental to the health, security or general welfare of the people may lawfully be established, conducted or maintained;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and to inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent the use thereof and require any alteration or changes necessary to make them healthful, clean, or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, or detentive departments, functions, facilities, instrumentalities, agencies, conveniences, and services;

(27) Enforce any ordinance, rule or regulation by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction; and the power to establish court costs;

(28) Regulate, tax, license or suppress the keeping or going at large of animals within the city; to impound the same and in default of redemption to sell or dispose of in accordance with state regulations;

(29) Call elections as provided by this Charter or state statutes; and

(30) Have and exercise all powers, which now or hereafter, it would be competent for this Charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated herein.

SECTION 1.08. CONSTRUCTION. The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this Article.

SECTION 1.09. INTERGOVERNMENTAL RELATIONS. The City may participate by interlocal agreement or contract with any governmental entity of this State or any other state or states of the United States in the performance of any activity which one (1) or more of such entities has the authority to undertake.

ARTICLE 2

ELECTIONS

SECTION 2.01. CITY ELECTIONS.

(1) Regular Elections. The regular city election shall be held on the first Tuesday following the first Monday in November of every even-numbered year.

(2) Registration by Wards. All persons registering to vote in elections shall be registered in the ward in which they reside or in which they own real property. No person may be registered to vote in more than one (1) ward at any one (1) time. There shall be at least one (1) polling place in each ward.

(3) Conduct of Elections. The provisions of the general election laws of the State of Tennessee shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the Maury County Election Commission. The cost of city elections held separately and the additional costs of holding city elections with other elections shall be borne by the City.

(4) Candidates shall run for office without party designation.

(5) Beginning of Term. The terms of council members shall begin on the date of the first council meeting in January following the November election.

SECTION 2.02. ELIGIBILITY FOR OFFICE.

(1) Eligibility for Mayor and Vice Mayor. Any elector who is a resident of the City may be qualified as a candidate for the office of mayor or vice mayor by nominating petitions submitted to the County Election Commission no later than twelve o'clock (12:00) noon, prevailing time, on the fortieth day previous to the election. If such day should fall upon a Saturday, Sunday or Election Commission holiday, then no later than twelve o'clock (12:00) noon, prevailing time, on the subsequent Election Commission work day. The nominating petition shall be signed by not less than twenty-five (25) qualified electors of the City.

(2) Eligibility for Council Members. Any resident of the City may be qualified as a candidate for the office of council member to represent the ward, from which the candidate resides. Candidates for council member may be qualified by nominating petition submitted to the County Election Commission no later than twelve o'clock (12:00) noon, prevailing time, on the fortieth day previous to the election. If such day should fall upon a Saturday, Sunday or Election Commission holiday, then no later than twelve o'clock (12:00) noon, prevailing time, on the subsequent Election Commission work day. The nominating petition shall be signed by not less than twenty-five (25) qualified electors of the Ward from which the candidate seeks election.

(3) Any candidate may withdraw his nomination at any time prior to Election Day by written notice to the County Election Commission. All votes cast for a candidate who has died or withdrawn his nomination prior to election shall not be counted or considered in determination of the results of the election. Names of candidates shall be listed alphabetically by surname as shown on the first nominating petition filed.

SECTION 2.03. MAYOR AND VICE MAYOR ELECTED AT LARGE; COUNCIL MEMBERS ELECTED BY WARD.

(1) The Mayor and the Vice Mayor shall be elected at large. The Mayor and the Vice Mayor provided for in this Charter shall be elected on the first Tuesday following the first Monday in November, 2014 for a period of four (4) years, and shall be elected at such time each four (4) years thereafter.

(2) The Council shall be composed of five (5) members who shall reside in and be elected by Ward by the voters in that Ward. The Council shall designate Wards by ordinance. Council members provided for in this Charter shall be elected on the first Tuesday following the first Monday in November, 2016 for a period of four (4) years, and shall be elected at such time each four (4) years thereafter.

(3) The Mayor, Vice Mayor and Council members holding office at the time of adoption of this Charter shall have their terms extended until the new terms for the corresponding office begin after the elections specified above.

SECTION 2.04. RECALL. The Mayor, Vice Mayor or any Council member may be recalled and the office declared vacant by a majority vote of those electors voting in a Special Recall Election called by the County Election Commission upon receipt and certification of a Petition for Recall signed by a number of qualified electors of the City in the case of the Mayor or Vice-Mayor, or the respective qualified electors within wards in the case of Council members elected from wards, equal to sixty percent (60%) of the total number voting in the particular election, in which he was elected, or in the case of a Council member appointed by the Council, the particular election in which his popularly elected predecessor was elected. Any office vacated by recall shall be filled by Special Election held by the County Election Commission within forty-five (45) days of recall and the person elected thereto shall serve the unexpired term of the predecessor.

ARTICLE 3

CITY COUNCIL

SECTION 3.01. GENERAL POWERS AND DUTIES. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter and

the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

SECTION 3.02. LIMITATION ON POWERS. The Council shall exercise its powers as a body in a session duly assembled, and no member, or group of members thereof, shall exercise or attempt to exercise the powers conferred upon the Council except through proceedings adopted in regular or duly called special meetings. No member shall interfere in any way with the performance of duties by the Manager or any other City officer or employee, and shall not give orders or directions to the Manager or any subordinate of the Manager, either publically or privately. Nothing contained herein shall prevent the Council or any member thereof from conducting such inquiries into the operation of the City and the City's affairs as it or they may deem necessary, or from discussing the City's affairs with the Manager or other employees on an informal, day to day basis.

SECTION 3.03. POWERS AND DUTIES OF MAYOR AND VICE MAYOR. The Mayor shall be a voting member of the city council, shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, and appoint, with the advice and consent of the council, the members of citizen advisory boards and commissions. The Mayor shall be recognized as the head of the city government for all ceremonial purposes and by the governor for purposes of military law. He shall sign the minutes of the Council and all ordinances on their final passage, execute all deeds, bonds, and contracts (except purchase orders) made in the name of the City. The Vice Mayor serves as Mayor in the absence or disability of the mayor.

SECTION 3.04. COMPENSATION; EXPENSES. The City Council shall determine the annual salary of the mayor, vice mayor, and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The mayor, vice mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

SECTION 3.05. PROHIBITIONS.

(1) Holding Other Office. Except where authorized by general law, no council member shall hold any other elected public office during the term for which the member was elected to the Council. No council member shall hold any other city office or employment during the term for which the member was elected to the Council. No former council member shall hold any compensated appointive office or employment with the City until one (1) year after the expiration of the term for which the member was elected to the Council. Nothing in this section shall be construed to prohibit the Council from selecting any current or former council member to represent the City on the governing board of any regional or other intergovernmental agency.

(2) Interference with Administration. Except for purposes of investigation, inquiry and information, the Council and committees or individual members thereof, shall deal with the city officers and employees of the City solely through the City Manager, and neither the Council nor its members shall give orders to such officer or employee, either publically or privately. Any such action shall constitute malfeasance, for which the member or members of the Council may be subject to recall under this Charter and of the general election law of the state. This provision shall in no way restrict the right of the city government to obtain independent information for use by the Council in discharging its responsibility for formulating sound policies to hold the administration accountable to the people, and to increase the efficiency and economy of city government whenever possible.

(3) Employees Political Activity. Except for the mayor and members of the city council, no city employee shall engage in political activity or support of or opposition to any candidate, party, or measure in any election when on duty or off duty while in uniform or acting in employee's official capacity. When off duty and acting as a private citizen, no city employee shall be prohibited from engaging in political activity or denied the right to refrain from engaging in such activity. No elected official shall engage in political activity in support of or

opposition to any candidate other than himself in any City election. No employee of the City shall serve on the city council.

(4) Candidates or Others Not To Promise Anything of Value for Aid of Votes. No candidate for any office, nor any person acting on behalf of a candidate shall directly or indirectly give or promise any person or persons any office, employment, money, benefit, or anything of value for the purpose of influencing or obtaining political support, aid, or vote for such candidate. Any person violating this provision shall be guilty of a misdemeanor.

SECTION 3.06. VACANCIES.

(1) Vacancies. The offices of mayor, vice mayor and council member shall become vacant upon a mayor's or council member's death, resignation, removal from office or forfeiture of office in any manner authorized by law.

(2) Filling of Vacancies. A vacancy in the City Council shall be filled by a qualified person for the remainder of the unexpired term by majority vote of the Council members present. If the Council fails to do so within forty-five (45) days following the occurrence of the vacancy, the Mayor may make the temporary appointment.

(3) Succession. Whenever a vacancy occurs in the office of mayor, by death, resignation, disability of permanent or indefinite duration, disqualification, or removal from office, the Vice Mayor shall become Mayor and hold office as such for the remainder of the unexpired term. The vacancy in the office of Vice Mayor shall be filled by one (1) of the Council members upon the nomination from and the majority vote of the Council. If Council is unable to reach a consensus, the Mayor shall appoint one (1) of the Council members as the Vice Mayor for the remainder of the unexpired term.

SECTION 3.07. FORFEITURE OF OFFICE; PUBLIC HEARING.

(1) Removal/Forfeiture from/of Office. The Mayor, Vice Mayor or any Council member, subject to the provisions of this Charter, may be removed from office for crime or misdemeanor in office, for intentional or willful violation of the

provisions of this Charter, for grave misconduct showing unfitness for public trust, for disqualification, or for disability of permanent or indefinite duration, by a two-third (2/3) majority vote of the other members of the Council voting for the removal. The proceedings for such removal shall be upon specifications in writing which, with a notice stating the time and place of the hearing, shall be delivered to the official sought to be removed, or published at least three (3) consecutive times in an official newspaper.

(2) Public Hearing. A member charged with conduct constituting grounds for forfeiture/removal of/from office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the City at least one (1) week in advance of the hearing. The hearing shall be public and the official sought to be removed shall have the right to appear and defend himself in person or by counsel and have processes of the Council to compel the attendance of witnesses on his behalf. Such vote shall be determined by “ayes” and “nays,” and the names of the members voting for or against removal shall be entered in the minutes. Immediately upon the vote for the removal of such person, his official status, power, and authority shall cease without further action. Anyone removed hereunder shall have the right of appeal only by way of certiorari to the Circuit Court of Maury County, Tennessee, filed within thirty (30) days after removal.

SECTION 3.08. MEETINGS AND PROCEDURE.

(1) Meetings. The Council shall meet regularly, at least once a month, at such times and places as the Council may prescribe by ordinance. Special meetings may be held on the call of the Mayor, of two (2) or more members of Council, or of the City Manager; and, whenever practicable, no less than thirty-six (36) hours written notice shall be given to each member. Except as allowed by state law, all meetings shall be public and adequate notice shall be given.

(2) Quorum. Any four (4) members of the Council shall constitute a quorum. No action of the Council shall be valid or binding unless adopted by the affirmative vote of a majority of a quorum of the members of the Council.

(3) Conduct of Council Meetings.

(a) The Council may determine the rules of its proceedings, and shall conduct its meetings in accordance with ROBERT'S RULES OF ORDER, except where the same may be inconsistent with the express provisions of the Charter.

(b) The presiding officer or a majority of the City Council may cite or cause to be arrested any member or other person behaving in a disorderly or contemptuous manner in its presence, and the City Judge, after hearing, shall determine the guilt or innocence of the person charged and shall fix the punishment of those persons found guilty. The City Council shall have the power, and may delegate the power to any committee appointed by it, to subpoena witnesses, and order the production of books and papers relating to any subject within its jurisdiction; and shall have power to call upon its own officers or the Chief of Police to execute its processes and arrest or cite for contempt any person refusing to obey such subpoena or order, provided that no fine for any one (1) offense under this section shall exceed fifty dollars (\$50.00), but each day's continuance in any refusal as aforesaid shall constitute a separate offense.

(c) The Council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings, the "ayes" and "nays" on all questions other than routine motions shall be entered thereon, and the minutes shall be open to public inspection.

(d) All sessions of the Council shall be open to the public.

(e) Voting, except on procedural motions, shall be by roll call and the "ayes" and "nays" shall be recorded in the minutes.

ARTICLE 4
ORDINANCES

SECTION 4.01. ACTION REQUIRING AN ORDINANCE. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes;
- (4) Grant, renew, or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the city;
- (7) Regulate land use and development;
- (8) Adopt any standard code of technical regulations by reference thereto in an adopting ordinance;
- (9) Amend or repeal any ordinance previously adopted; or
- (10) Levy special assessments.

Acts other than those referred to in this section may be done either by ordinance, resolution, or a vote of the council.

SECTION 4.02. ORDINANCES IN GENERAL.

(1) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title. The enacting clause shall be "Be it ordained by the City of Columbia . . ."

(2) Procedure. All ordinances shall be approved on affirmative votes after two (2) considerations.

(3) Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective on the date specified therein.

SECTION 4.03. EMERGENCY ORDINANCES. To meet a public emergency affecting life, health, property or the public peace, the City Council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in section 9.08(2). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least the majority of members present shall be required for adoption. After its adoption, the ordinance shall be published. It shall become effective upon its adoption and expire on a date specified therein, or on its repeal.

SECTION 4.04. AUTHENTICATION AND RECORDING; CODIFICATION;
PRINTING OF ORDINANCES AND RESOLUTIONS.

(1) Authentication and Recording. The city recorder shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose of maintaining all ordinances and resolutions adopted by the City Council.

(2) Codification. Within two (2) years after adoption of this Charter and at least every four (4) years thereafter, the City Council shall provide for the preparation of a general codification of all city ordinances. The general codification shall be adopted by the Council by ordinance, which shall be published. This compilation shall be known and cited officially as the Columbia City Code. Copies of the Code shall be furnished to City officers, public offices, and on the City's web site for free public reference and made available for purchase by the public at a reasonable price fixed by the Council.

ARTICLE 5

CITY MANAGER

SECTION 5.01. QUALIFICATIONS AND APPOINTMENT. The City Council shall appoint a city manager and set his compensation and benefits. The City Manager shall serve at the will and pleasure of the Council. He shall be chosen without regard of his political beliefs and solely on the basis of his executive and administrative qualifications, with special reference to his experience, training and knowledge in respect to the duties and professional practices of his office. At the time of his appointment, he need not be a resident of the City, or of Tennessee, but during his tenure in office he shall reside within the City of Columbia.

SECTION 5.02. DUTIES. The City Manager shall be the chief executive officer of the City responsible for the management of all city affairs placed in the City Manager's charge by or under this Charter. The City Manager shall:

(1) Appoint and suspend or remove all city employees provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law;

(3) Serve as city purchasing agent;

(4) See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the City Manager's direction and supervision, are faithfully executed;

(5) Prepare and submit the annual budget and capital program to the City Council, and implement the final budget approved by Council to achieve the goals of the City;

(6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;

(7) Keep the City Council fully advised as to the financial condition and future needs of the City;

(8) Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy; and

(9) Perform such other duties as are specified in this Charter or may be required by the City Council.

ARTICLE 6

DEPARTMENTS, OFFICES, AND AGENCIES

SECTION 6.01. GENERAL PROVISIONS.

(1) Creation of Departments. Upon recommendation of the City Manager, the City Council may establish city departments, offices, or agencies in addition to those created by this Charter either through adoption of the budget ordinance or by adoption of a separate ordinance. No function assigned by this Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

(2) Direction by the City Manager. All departments, offices, and agencies under the direction and supervision of the City Manager shall be appointed by and subject to the direction and supervision of the City Manager. The City Manager may appoint one (1) person as the head of two (2) or more departments or he may serve in that capacity.

SECTION 6.02. PERSONNEL SYSTEM.

(1) Merit Principle. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

(2) Policies. Consistent with all applicable federal and state laws the City Council shall provide by resolution for the establishment of personnel policies.

SECTION 6.03. CITY ATTORNEY.

(1) Qualification and Appointment. The City Attorney shall be an attorney-at-law licensed to practice in all the Courts of the State. He shall be appointed by the Council.

(2) Duties and Compensation.

(a) The City Attorney shall direct the management of all litigation in which the City is a party, shall represent the City in all legal matters and proceedings in which the City is a party or interested, or in which any of its officers are officially interested; shall attend all meetings of the Council; shall advise the Council and committees or members thereof, the City Manager, and the heads of all departments and divisions, as to all matters of law affecting the City's interest; and shall approve, as to form, all contracts, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of or made by or with the City.

(b) The City Attorney shall receive such compensation as may be fixed by the Council. City Attorneys pro tem, Deputy City Attorneys, and Special City Attorneys may be provided for and their compensation fixed by the Council, as required.

ARTICLE 7

CIVIL SERVICE BOARD

SECTION 7.01. QUALIFICATIONS AND APPOINTMENT. There shall be a Civil Service Board of the City of Columbia, to consist of five (5) members who shall have been registered electors of the City of Columbia. Upon the effective date of this Charter, the members then holding office shall continue in office until the regular expiration of their term of office. Thereafter upon the expiration of each term, the Council shall elect a qualified person to fill the vacancy. All newly-elected members shall serve for terms of four (4) years or until their successors are elected and qualified.

SECTION 7.02. COMPENSATION; EXPENSES. Their compensation shall be as fixed by ordinance by the Council. Provisions shall be made by the Council for

necessary expenses of the Board, certified by the Chairman to the proper authorities and same shall be paid out of the general funds of the City.

SECTION 7.03. VACANCIES. Should there be a vacancy in the Civil Service Board by reason of death, resignation, or removal, the same shall be filled by the election of a qualified person to the vacancy by the Council, to fill out the balance of the unexpired term.

SECTION 7.04. PROHIBITIONS. The members of the Civil Service shall not hold any other public or political office while serving as members of said Board, and in the event any member of said Board shall accept public or political office or actively become a candidate for an elective office, or cease to be a bonafide elector of the City of Columbia, his membership on the Board shall be and become thereby automatically vacated, and thereupon the Council shall elect a successor. Members of the Board may be removed by the Council for the same reasons and in the same manner as provided for removal of Council members in section 3.07, supra.

SECTION 7.05. GENERAL POWERS AND DUTIES. The Civil Service Board is authorized and empowered to make such rules and regulations as it may from time to time deem necessary for carrying into effect the provisions, objects and purposes of this Article 7. The purpose of this Board is to keep employees of the City of Columbia covered by Civil Service out of politics, so that their positions cannot be endangered, nor these employees be annoyed or disturbed by the political plans and schemes of anyone; and the Civil Service Board is hereby authorized to make and enforce such rules and regulations, consistent with the provisions of this Act, that protect employees from any duress of any sort. It is hereby made the duty of the City Manager to see that the rules of the Civil Service Board are enforced for the protection of all Civil Service employees.

SECTION 7.06. ANNUAL REPORT. The Civil Service Board shall make an annual report to the Council containing a general statement of its actions for the preceding year, its rules and regulations, and any suggestions it may approve for the more effectual accomplishment of the purposes of this Act. A copy of the report shall be

filed with the City Manager not less than ten (10) days prior to the regular meeting of the Council in February of each year.

SECTION 7.07. MEETINGS AND QUORUM. The Civil Service Board shall hold at least one (1) regular meeting in each three (3) calendar months, and may be convened in extraordinary session upon call of the Chairman, or whenever in the judgment of the majority of said Board it may be deemed necessary and proper. Three (3) members of the Board shall constitute a quorum for the transaction of all business. The members shall each year select one (1) of their number to serve as Chairman of the Board.

SECTION 7.08. CLERK OF THE BOARD; DUTIES. The City Manager or other person designated by the City Manager shall serve as the clerk of the Civil Service Board, without additional compensation. The Civil Service Board shall keep or cause to be kept by the Clerk, minutes of its proceedings, and records of its examinations, hearings, and other official action.

SECTION 7.09. EMPLOYMENT APPLICATIONS; PROCEDURE.

(1) All applications for positions herein defined as Civil Service positions shall be filed with the Clerk of the Civil Service Board, and the Board shall examine applicants or cause them to be examined by open competitive examinations under such rules and regulations in regard to suitability, physical fitness and other qualifications as the Board may deem proper, and may from time to time prescribe. All applications must be filed within such time as the Board may, from time to time, prescribe prior to the examination of such applicant upon forms designated and provided by the Board.

(2) No question in any form, application, or in any examination, shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall entry be made concerning such opinions or affiliations, and disclosures thereof by any applicant shall not be countenanced. No discrimination whatsoever shall be practiced, threatened or promised in favor

of or against any applicant for a Civil Service position because of his or her race, sex, or political or religious opinions or affiliations.

(3) The Board may require all applicants for Civil Service positions to undergo a physical examination as a prerequisite to employment, and may authorize payment for such examinations.

(4) The examination for positions and prescribed forms of application for positions required to be filed by applicants shall apply to all persons applying for Civil Service positions from and after the passage of this Act. Provided, further, that other than as provided herein to the contrary, that all persons regularly employed and holding Civil Service positions shall be continued in such positions and be entitled to all the benefits of the Civil Service provisions of this Charter.

(5) In connection with any application for a Civil Service position, the Civil Service Board may require such recommendations of persons having knowledge of the applicant as may be deemed necessary and proper.

SECTION 7.10. REFUSAL. The Board may refuse to examine an applicant, or after examination may refuse to certify an applicant:

(1) Who lacks any of the established preliminary requirements for the examination of the position or employment for which he or she has made application;

(2) Who is determined to be physically unfit for the performance of the duties of the position for which he or she has made application;

(3) Who is determined to be addicted or subject to the habitual use of intoxicating liquors or drugs;

(4) Whose conduct is determined to be infamous or notoriously disgraceful;

(5) Who is determined to have been dismissed from the public service for delinquency or misconduct;

(6) Who is determined to have made a false statement of any material fact, or practice, or attempted to practice any deception or fraud in his or her

application, in his or her examination, or in any way establishing his or her eligibility;

(7) Who is determined in any manner to have failed to comply with the rules and regulations of the Board; or

(8) Who the Board may determine for just cause to be unfit for the Civil Service position for which he or she has made application.

SECTION 7.11. FILLING OF POSITIONS; PROCEDURE. Other than as provided in Section 7.12, every Civil Service position as herein defined unless filled by promotion, reinstatement, or reduction, shall be filled in the following manner:

(1) The City Manager shall notify the Civil Service Board in writing of any vacancy in the service which he desires to fill, and shall request a certification of eligibles. The Board shall forthwith certify from the appropriate eligible list the names of the three (3) persons thereon, who bear the highest rating under the regulations and examinations prescribed by the Board. The City Manager shall thereupon make the desired appointment from the eligible list so certified to him or it. When there are a number of positions of the same kind to be filled at the same time, each appointment shall be made separately and in accordance with the foregoing provisions. When the entire list of eligibles has been selected from, the City Manager may request that the Board readvertise and test any new applicants for eligibility before certifying the names of the three (3) highest rated eligibles.

(2) The Civil Service Board shall remove from any such certified list the name of any person, who, after certification and upon further review, the Board finds to be disqualified under the provisions of Section 7.10. The Board shall remove from such certified list the name of any person who notifies the Board or the City Manager that he or she no longer desires to be considered for the position applied for. In all cases where the Board removes the name of any person from a certified list pursuant to this section, the Board shall furnish the City Manager with the name of the person with the next highest rating making

application for the position being filled. The City Manager shall then consider all three (3) applicants in making the desired appointment.

(3) All vacancies in the Civil Service positions filled by promotions from among Civil Service employees shall be based upon merit, the qualifications therefore being ascertained by such tests or examinations as may be prescribed and held from time to time by the Civil Service Board, and upon the superior qualifications of the persons promoted as shown by his or her previous service and experience.

(4) Promotions shall be made in the same way as original appointments, as provided in Parts (1) and (2) of this section.

SECTION 7.12. PROVISIONAL APPOINTMENT.

(1) Whenever there may exist urgent reasons for filling a vacancy in any Civil Service position, by appointment or promotion, and there is not a current list of persons eligible for appointment, the City Manager may make a provisional appointment to such position. However, no such provisional appointment may continue for a longer period than three (3) months. At the termination of a period of provisional appointment, the Board may ratify the appointment, whereupon such employee shall become a probationary employee of the City, or shall certify to the City Manager a list of the three (3) highest rated qualified applicants for the position, and the City Manager shall make the desired appointment from the list of eligibles so certified.

(2) Department heads, subject to the approval of the City Manager, may employ such casual employees on a temporary, day to day basis as may be needed to fill vacancies caused by illness, absence, unforeseen emergencies, or other causes. Such temporary employees shall not be covered by the provisions of this Article 7.

SECTION 7.13. REDUCTION. Whenever it may be deemed to be in the interest of efficiency or economy and recommended by the City Manager, the Council may by ordinance provide for a reduction in the number of employees. However, in the event of

any such reduction in the number of Civil Service employees, employees relieved from duty shall be those persons who have served the shortest period of time as city employees when such abolition or reduction occurs. Any Civil Service employee thus relieved from duty shall thereafter be given preference in filling any position in the City. Such preference shall be granted, however, only after the employees shall pass the examination and otherwise meet the rules, regulations and requirements prescribed by the Civil Service Board.

SECTION 7.14. CIVIL SERVICE EMPLOYEES NOT TO SOLICIT CONTRIBUTIONS TO CITY ELECTION CAMPAIGNS.

(1) No Civil Service employee shall be coerced by any official, agent or employee of the City for any contribution or assessment to any political organizations or member of any committee thereof, nor shall any Civil Service employee give or promise any party any office, employment, benefit, or anything of value for the purpose of influencing or obtaining the political support, aid or votes of any person or persons. No Civil Service employee shall appear at the polls while on duty or in uniform in any election, wearing a badge indicating support of any candidate, party, or ticket in such election nor hand out or distribute any literature concerning any candidate, party, or ticket involved in such election; nor seek in any other manner to use his official position to influence any voter. Nothing herein contained shall be construed as abridging the Constitutional and political rights of any City employee to express his opinions or to cast his vote.

(2) The City Manager may grant a leave of absence without pay to any Civil Service employee who may desire to become a candidate for any political office.

SECTION 7.15. EMPLOYEE DISCIPLINE; HEARING PROCEDURE.

(1) Other than by judgment of the Board upon specification of charges filed under this Article, the City Manager shall have exclusive power to dismiss, suspend, reduce in rank or otherwise discipline all employees of the City.

(2) Any Civil Service employee, other than a probationary employee, who is dismissed, suspended, reduced in rank or otherwise disciplined, within ten (10) days after such action, may request in writing filed with the Clerk of the Board, a hearing before the Civil Service Board. Upon receipt of a request for hearing, the Board shall notify the City Manager who shall cause to be filed with the Clerk of the Board written specifications of charges. A copy of such specifications shall be furnished the employee at least ten (10) days prior to such hearing. All specifications of charges, and all amendments thereto, shall plainly and particularly set forth the offense or offenses.

(3) The employee shall have the right to be represented at the hearing by an attorney, shall have the right to confront and examine all witnesses, and may introduce on his own behalf any evidence relevant to the charges specified against him. Upon the completion of the hearing, the Board may sustain, modify, or overrule the action of the City Manager, may order the employee reinstated, with or without back pay, or may order such other disciplinary action as deemed appropriate from the facts and evidence adduced at the hearing.

(4) The judgment and findings of the Civil Service Board upon hearing on specification of charges against any Civil Service employee shall be final and shall be subject to review only for illegality or want of jurisdiction.

SECTION 7.16. CIVIL SERVICE EMPLOYMENT STATUS. All full-time employees of the city, other than the City Manager, the Assistant City Manager and all department heads, are hereby declared to be civil service employees, subject to all the conditions, limitations, and requirements of this Article 7 and entitled to the benefits thereof.

ARTICLE 8

CITY COURT

SECTION 8.01. CITY COURT. A City Court is hereby established for the City of Columbia, which shall have exclusive jurisdiction in and over all violations of the laws and ordinances of the City of Columbia.

SECTION 8.02. CITY JUDGE TO PRESIDE. The City Court shall be presided over by the City Judge, who shall hear and determine all cases for the violation of and offenses against or arising under the ordinances of the City of Columbia.

SECTION 8.03. ELECTION OF CITY JUDGE. The City Council shall appoint and fix the salary of the City Judge, whose term of office shall be two (2) years and who shall be a licensed attorney. In the event of the sickness, disability or inability of the City Judge to serve for a definite or indefinite period, the Mayor, or in his absence the Vice Mayor, shall appoint in writing, a City Judge pro tem, who shall serve until the regular City Judge is again able to serve, or until the next regular meeting of the Council, at which time such appointment shall be confirmed by the Council. The City Judge pro tem shall receive the same compensation on a per session basis, be clothed with the same power and shall perform the same duties conferred upon the City Judge.

SECTION 8.04. FINES AND FORFEITURES. The City Judge shall have power and authority to impose fines, costs and forfeitures and to punish for contempt and to punish by fine for violation of City Ordinances, to preserve and enforce order in his Court, to enforce the collection of all fines, costs and forfeitures imposed by him. The City Judge may remit or suspend, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

SECTION 8.05. APPEALS. In any case heard and determined by the City Judge, the defendant, as a matter of right, may within ten (10) entire days thereafter, appeal to the next term of the Circuit Court of Maury County, Tennessee, at Columbia, by depositing a cash bond or giving an appearance bond, which shall not exceed two hundred fifty dollars (\$250.00), with good and sufficient sureties, as approved by the City Judge, Clerk of the City Court, or Clerk of the Circuit Court, for the appearance of the defendant before the Circuit Court at the next term thereof, in Columbia, Maury County, Tennessee, and faithful prosecution of the appeal from the City Court to the Circuit Court, or upon an affidavit of indigency the defendant may appeal in forma pauperis. The appeal and appearance Bond or Affidavit of Indigency shall be substantially in the form prescribed for appeals from General Sessions Court to Circuit Court.

(1) In the event a defendant, having appealed from the judgment of the City Court, to the next term of the Circuit Court by giving the bond as herein provided or by proceeding in forma pauperis, fails to appear at the next term of the Circuit Court, fails to prosecute his appeal, and is fined, or the judgment of the lower court is affirmed in the Circuit Court, then the defendant and his sureties on the appeal and appearance bond, shall be jointly and severally liable for the fine and costs, and the judgment shall be entered accordingly in the Circuit Court.

(2) In the event the defendant appealing as above appears and prosecutes this appeal and the judgment of the City Court is affirmed, and such person performs the judgment of the Court, then the sureties on his bond shall not be liable on the appeal and appearance bond, and the judgment shall be entered accordingly. However, if such person appears and prosecutes the appeal and is fined or the judgment of the lower Court is affirmed, then such person shall be in the hands of the Chief of Police of the City of Columbia to perform the judgment of the Circuit Court.

SECTION 8.06. FINES PAID INTO CITY TREASURY. All fines imposed by the City Court for violation of City Ordinances shall belong to and be paid into the treasury of the City of Columbia.

SECTION 8.07. PLEAS OF GUILTY. The Clerk of the City Court may be empowered to accept pleas of guilty and fix fines in all cases of traffic violations wherein the maximum fine is not more than fifty dollars (\$50.00), in addition to the costs.

SECTION 8.08. TAXING COSTS. The City Judge, in all cases heard or determined by him for offenses against the corporate laws and ordinances, and the City Recorder or Assistant City Recorder, in all cases submitted to him, shall tax in the bill of costs such amount as may be hereafter provided by ordinance, and in addition thereto shall add one dollar (\$1.00) as a tax on the same; that in traffic violations wherein the maximum fine is fixed at not more than ten dollars (\$10.00) it shall be discretionary with

the City Judge, or the Clerk of the City Court, whether they shall tax the defendant with any costs.

SECTION 8.09. COLLECTION OF FINES. The City Judge shall be empowered to issue executions for the enforcement and collection of fines, costs and forfeitures imposed by him for offenses against the laws and ordinances of the City.

SECTION 8.10. SALARIED OFFICERS RECEIVE NO COSTS. All costs, including tax, charged against and paid by any defendant, shall belong to the City and be paid into its treasury, and no officer or other person paid a fixed salary by the City shall become entitled to or receive any costs charged against or collected from any defendant in the City Court.

SECTION 8.11. CLERK OF THE CITY COURT; COLLECTION OF FINES. The City Recorder shall serve or shall designate someone to serve as the Clerk of the City Court. It shall be the duty of the Clerk of the City Court to collect and receipt for all fines imposed and make settlements in the manner hereafter provided by ordinance; provided, that where the case has been entered upon the docket and a fine has been assessed, the City Recorder, Assistant City Recorder, or any assistant to the City Recorder, shall be empowered to receive and receipt for fines or payments on fines. The Clerk of the City Court shall have concurrent jurisdiction with the City Judge to issue warrants and take bail bond.

SECTION 8.12. COURT DOCKET. The City Judge shall keep or cause to be kept a Court Docket embodying complete detailed records of all cases handled by him, showing the offense charged, the fine and costs imposed, or other disposition made of the case and the officers connected with the same.

SECTION 8.13. WARRANTS, SEARCHES AND ARRESTS. All warrants issued, searches conducted and arrests made shall be in conformity with the laws of the State of Tennessee.

SECTION 8.14. JURISDICTION. The territorial jurisdiction of the City Court shall extend to the corporate limits of the City.

ARTICLE 9

FINANCIAL MANAGEMENT

SECTION 9.01. CHIEF FINANCIAL OFFICER. The City Manager shall appoint a Chief Financial Officer who, at the direction of the City Manager, shall be responsible for the management and administration of the fiscal affairs of the City to include the provisions of this Charter and all application provisions of state law.

SECTION 9.02. FISCAL YEAR. The fiscal year of the City shall begin on the first day of July and end on the last day of June.

SECTION 9.03. SUBMISSION OF BUDGET AND BUDGET MESSAGE. On or before the 15th day of May each year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

SECTION 9.04. BUDGET MESSAGE. The City Manager's message shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the City Manager deems desirable.

SECTION 9.05. BUDGET.

(1) Budget. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the state comptroller requires. The budget shall:

- (a) Begin with a clear general summary of its contents;
- (b) Show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and
- (c) Be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

(2) Capital Improvement Plan. A capital improvement plan shall also be prepared to include a description of projects recommended for the ensuing fiscal year and the five (5) fiscal years thereafter, the estimated cost of each project, and the recommendations of the City Manager for financing the projects proposed for the ensuing year.

SECTION 9.06. TENTATIVE APPROPRIATION ORDINANCE AND PUBLIC HEARING. Upon receipt of the City Manager's proposed budget, a tentative appropriation ordinance shall be published in the official newspaper not less than one (1) week prior to consideration by the Council. Notice shall also be included that a public hearing will be held concerning the budget stating the time and place and the fact that any interested person shall be given an opportunity to appear and be heard.

SECTION 9.07. APPROPRIATION AND REVENUE ORDINANCES. To implement the adopted budget, the City Council shall adopt, prior to the beginning of the fiscal year, the following:

(1) An appropriation ordinance making appropriations by department, fund, service, strategy or other organizational unit and authorizing an allocation for each program or activity;

(2) A tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and

(3) Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

SECTION 9.08. AMENDMENTS AFTER ADOPTION.

(1) Adjustments to the Adopted Budget. After the adoption of the budget the City Manager, when he deems it in the interest of the City, may make adjustments within the budgets of each department. Adjustments to the total budget for any department or fund must be approved by the City Council by ordinance at any time during the fiscal year.

(2) Emergency Appropriations. To address a public emergency affecting life, health, property or the public peace, the City Council may make emergency

appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 4.03. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may, by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(3) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the City Manager and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may, by ordinance, reduce or eliminate one (1) or more appropriations.

(4) Limitation; Effective Date. No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction of appropriations authorized by this section may be made effective immediately upon adoption.

SECTION 9.09. ADMINISTRATION AND FIDUCIARY OVERSIGHT OF THE BUDGET. The City Manager shall be responsible for controlling expenditures of the various departments of the city government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

SECTION 9.10. INDEPENDENT AUDIT. The City Council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits. Such audits shall be performed in accordance with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS).

SECTION 9.11. PUBLIC RECORDS. Copies of the budget, independent audits, and appropriation and revenue ordinances shall be public records.

SECTION 9.12. ACCOUNTING SYSTEM. The financial records of the city shall be established and maintained in general conformity with the accounts and procedures recommended by the Comptroller of the Treasury.

SECTION 9.13. DEPOSITORIES OF CITY FUNDS. The City Council shall designate an official depository or depositories for deposit and safekeeping of funds of the city, with such collateral security as required by state and federal law.

SECTION 9.14. REVERSION OF APPROPRIATIONS TO RESPECTIVE FUND BALANCE. At the end of each year, all encumbered balances shall revert to the respective fund and may be subject to further appropriation.

SECTION 9.15. ISSUANCE OF CHECKS. The Finance Director shall regulate the manner of paying creditors, officers and employees of the City and shall audit all payrolls, accounts and claims against the City. The Council, by resolution, shall designate officers and alternates to sign checks.

SECTION 9.16. OFFICIAL BONDS. Every officer, agent and employee having duties embracing the receipt, disbursement, custody or handling of money shall be bonded with the cost of such bonds being paid by the City. The bonds shall be blanket bonds covering offices and positions to be bonded, and individual bonds may be secured only when blanket bonds are not obtainable or additional bonding is required.

ARTICLE 10

GENERAL PROVISIONS

SECTION 10.01. CONFLICTS OF INTEREST; ETHICS.

(1) Conflicts of Interest. The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to the following:

(a) Acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public;

(b) The acceptance of gifts and other things of value;

(c) Acting in a private capacity on matters dealt with as a public official; and

(d) Appearances by city officials before other city agencies on behalf of private interests. This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as is permissible under state law, shall provide for fines and imprisonment for violations.

(2) The City Attorney shall investigate all potential ethics violations and report his findings to the City Council. The City Attorney may recuse himself from an investigation if he has a potential conflict, and in such case the Council shall appoint another attorney to conduct the investigation of the potential ethics violation and report his findings to the Council.

SECTION 10.02. PROHIBITIONS. The following activities are prohibited:

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to, any city position or appointive city administrative office because of race, gender, age, disability, religion, country of origin, or political affiliation.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render, or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

SECTION 10.03. CAMPAIGN FINANCE. Campaign finance requirements shall be governed by the appropriate state general laws.

ARTICLE 11

TRANSITION AND SEVERABILITY

SECTION 11.01. OFFICERS AND EMPLOYEES.

(1) Rights and Privileges Preserved. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

(2) Personnel System. An employee holding a city position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in section 6.02.

SECTION 11.02. DEPARTMENTS, OFFICES, AND AGENCIES.

(1) Transfer of Powers. If a city department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this Charter or, if the Charter makes no provision, designated by the City Council, on recommendation of the City Manager.

(2) Property and Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such

property, records or equipment shall be transferred to one (1) or more departments, offices or agencies designated by the City Council in accordance with this Charter.

SECTION 11.03. PENDING MATTERS. All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

SECTION 11.04. STATE AND MUNICIPAL LAWS. In General. All city ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the constitution and laws of the state of Tennessee permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

SECTION 11.05. SEVERABILITY. If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Columbia. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.